

BOARD OF APPEAL REFERRALS

OCTOBER 27, 1977

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voted as amended

TABLED as amended

MEMORANDUM

October 27, 1977

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: Robert F. Walsh, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Hearing: 11/1/77 Petition No. Z-3977
 Roslindale Cooperative Bank
 40 Belgrade Avenue, Roslindale
 at Amherst Street

1½-story structure - general business (B-1) and local business (L-.5)
 districts.

Purpose: to combine lots for drive-in bank parking facilities.

Violation:

Section 8-7. A drive-in bank is conditional in L-.5 and B-1 districts.

Parking facility for 35 cars will alleviate traffic congestion on Belgrade Avenue. Roslindale Board of Trade has indicated support. Recommend approval.

VOTED: In reference to Petition No. Z-3977, brought by the Roslindale Cooperative Bank, 40 Belgrade Avenue, Roslindale, for a conditional use to combine lots for drive-in bank parking facilities in local business (L-.5) and general business (B-1) districts, the Boston Redevelopment Authority recommends approval. Parking facilities will alleviate traffic congestion on Belgrade Avenue. Roslindale Board of Trade has indicated support.



BEL GRADE

FALLON FIELD

Z-3977
40 BELGRADE AVE.
(ROS.)

Board of Appeal Referrals 10/27/77

Hearing: 11/8/77

Petition No. Z-3983
Marie B. Tobin
16 Auburn Street, Charlestown
near Main Street

Three-story masonry row structure - apartment (H-1) district.

Purpose: to change occupancy from one- to two-family dwelling.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families which does not meet the requirement of lot area is forbidden in an H-1 district.		
Section 14-2. Lot area is insufficient.	3,500 sf	1,939 sf

Conversion will be consistent with one- and two-family residential nature of the street. No neighborhood opposition. Recommend approval.

VOTED: In reference to Petition No. Z-3983, brought by Marie B. Tobin, 16 Auburn Street, in the Charlestown Urban Renewal Area, for a forbidden use and a variance for a change of occupancy from one- to two-family dwelling in an apartment (H-1) district, the Boston Redevelopment Authority recommends approval. Conversion will be consistent with one- and two-family residential nature of the street. No neighborhood opposition.

16 AUBURN ST.
(CHSN.)

Z-3983



Board of Appeal Referrals 10/27/77

Hearing: 11/8/77

Petition No. Z-3985
Timothy P. O'Connell
401 Bunker Hill Street, Charlestown
at Baldwin Street

Three-story masonry structure - apartment (H-1) district.

Purpose: to change occupancy from one- to two-family dwelling.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families which does not meet the requirements of lot area and open space is forbidden in an H-1 district.		
Section 14-2. Lot area is insufficient.	6,000 sf	1,753 sf
Section 17-1. Open space is insufficient.	400 sf	393 sf

Additional unit will be consistent with existing residential occupancies on the street. No neighborhood opposition. Recommend approval.

VOTED: In reference to Petition No. Z-3985, brought by Timothy P. O'Connell, 401 Bunker Hill Street, in the Charlestown Urban Renewal Area, for a forbidden use and two variances for a change of occupancy from one- to two-family dwelling in an apartment (H-1) district, the Boston Redevelopment Authority recommends approval. Additional unit will be consistent with existing residential occupancies on the street. No neighborhood opposition.



Z-3985
401 BUNKER HILL ST.
(CHSN.)

Board of Appeal 10/27/77

Hearing: 11/8/77

Petition No. Z-3994
Virginia M. Leonard and
Janice Mastrocola
2 Adams Street, Charlestown
near Winthrop Street

Three-story masonry structure - apartment (H-1) district.

Purpose: to change occupancy from one-family to four-family dwelling.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families which does not meet the requirements of lot area, open space, and off-street parking is forbidden in an H-1 district.		
Section 14-2. Lot area is insufficient.	6,500 sf	1,675 sf
Section 17-1. Open space is insufficient.	400 sf	120 sf
Section 23-1. Off-street parking is insufficient.	4 spaces	0

Family neighborhood is concerned about transient rental units. Increased densities are creating parking problems on the street. No parking facilities will be provided for proposed apartments. A number of abutters are opposed. Recommend denial.

VOTED: In reference to Petition No. Z-3994, brought by Virginia M. Leonard and Janice Mastrocola, 2 Adams Street, Charlestown, for a forbidden use and three variances for a change of occupancy from one-family to four-family dwelling in an apartment (H-1) district, the Boston Redevelopment Authority recommends denial. Family neighborhood is concerned about transient rental units. Increased densities are creating parking problems on the street. No parking facilities will be provided for proposed apartments. A number of abutters are opposed.



Z - 3994
2 ADAMS ST.
(Chsn.)

As Amended

Hearing: 11/29/77

Petition No. Z-3997
David Rib and Mart Ojama
26 Worcester Square, Boston
near Harrison Avenue

Four-story-plus-basement structure - apartment (H-2) district.

Purpose: to change occupancy from four to five apartments.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. Any dwelling converted for more families which meets at least one-half the requirements of off-street parking is conditional in an H-2 district.		
Section 23-1. Off-street parking is insufficient.	4 spaces	2 spaces

Conversion is consistent with similar occupancies in the neighborhood. Building is being substantially renovated. Local community groups have no objection. Recommend approval.

VOTED: In reference to Petition No. Z-3997, brought by David Rib and Mart Ojama, 26 Worcester Square, in the South End Urban Renewal Area, for a conditional use and a variance for a change of occupancy from four to five apartments in an apartment (H-2) district, the Boston Redevelopment Authority recommends approval. Conversion is
~~consistent with similar occupancies in the neighborhood.~~ Local community groups have no objection.

sentence
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Board of Appeal Referrals 10/27/77

Hearing: 11/8/77

Petition No. Z-4008
Herbert Waxman
320 Neponset Avenue, Dorchester
at Tolman Street

One-story masonry structure - local business (L-.5) district.

Purpose: to change occupancy from gas service station to office and outdoor display of used cars.

Violation:

Section 8-6. A change from a conditional use to a nonconforming use requires Board of Appeal hearing.

Proposed display and sale of 25 used cars at this site (abutting playground and opposite fire station) is inappropriate, would intensify traffic, and is opposed by local civic and neighborhood associations. Recommend denial.

VOTED: In reference to Petition No. Z-4008, brought by Herbert Waxman, 320 Neponset Avenue, Dorchester, for a change from a conditional use to a nonconforming use for a change of occupancy from gas service station to office and outdoor display of used cars in a local business (L-.5) district, the Boston Redevelopment Authority recommends denial. The proposed use is inappropriate at this site (abutting playground and opposite fire station), would intensify traffic, and is opposed by local civic and neighborhood associations.

Z-4008
320 NEPONSET AVE.
(DOR.)



WILLIAM H. GARVEY

PLAYGROUND

AVENUE

Board of Appeal Referrals 10/27/77

Hearing: 11/8/77

Petition No. Z-4012
Fitzgerald Investment Trust
55-83 Purchase and
165-179 High Streets, Boston

Parking lot - general business (B-10) district.

Purpose: to erect portable office on concrete foundation for car rental agency.

Violation:

Section 8-7. A rental agency for motor vehicles is conditional in a B-10 district.

Car rental office will occupy a small area within the confines of an open air public parking facility. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-4012, brought by the Fitzgerald Investment Trust, 55-83 Purchase and 165-179 High Streets, Boston, for a conditional use to erect a portable car rental agency office in a general business (B-10) district, the Boston Redevelopment Authority recommends approval with the following provisos: that there be no storage of gasoline or washing/repair of vehicles on the premises; that an equal number of public parking spaces be eliminated to provide for the rental vehicle storage space and the number reported to the Boston Air Pollution Control Commission in conformance with the parking freeze area.



Z-4012
55 PURCHASE ST.
165-179 HIGH ST.
(B.P.)

Board of Appeal Referrals 10/27/77

Hearing: 11/1/77

Petition No. Z-4013
Robert Aiello Trust
37 Fairfield and
239-243 Newbury Streets, Boston

Three-story structure (two-family dwelling and store) - general business
(B-4-70) district.

Purpose: to erect one-story aluminum and glass addition to two-family
and store structure.

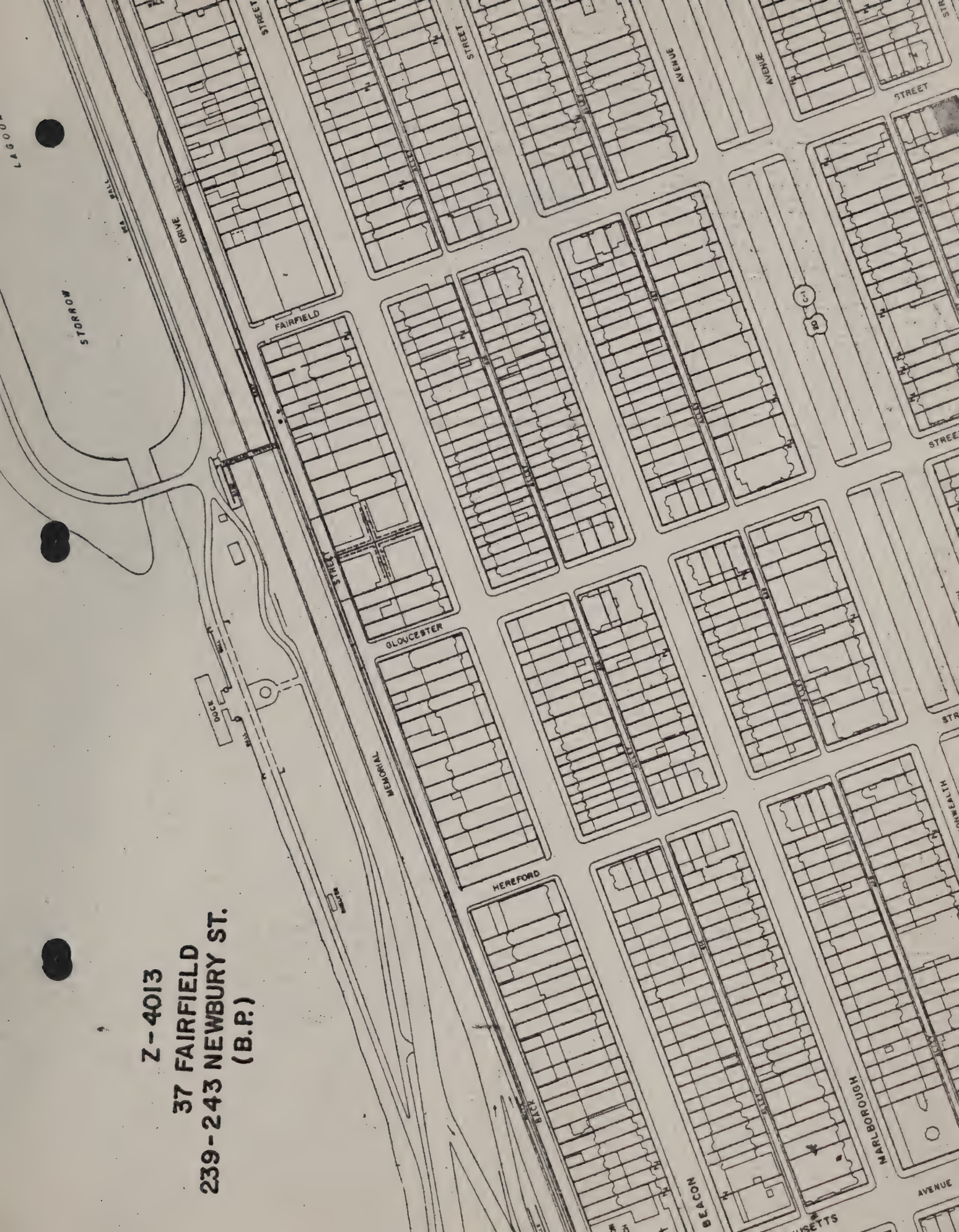
Violation:

	<u>Required</u>	<u>Proposed</u>
Section 19-6. Front yard is insufficient.	20 ft.	4 ft.

Glass-enclosed lean-to structure would be temporary and would be used for the retail sale of produce as an extension of existing food store. Back Bay Architectural Commission has voted approval. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-4013, brought by the Robert Aiello Trust, 37 Fairfield and 239-243 Newbury Streets, Boston, for a variance to erect a one-story addition to a two-family dwelling and store structure in a general business (B-4-70) district, the Boston Redevelopment Authority recommends approval with the following provisos: that the setback be at least sixteen feet from the existing inside curb line; that the space be used for the display of produce only and not for the display of packaged goods; that the existing freestanding sign at the corner be removed; that the use terminate upon sale, lease, or change in use.

Z-4013
37 FAIRFIELD
239-243 NEWBURY ST.
(B.P.)



Board of Appeal Referrals 10/27/77

Hearing: 11/8/77

Petition No. Z-4014
Rudy A. Fleischhacker
15 Elko Street, Brighton
near Cambridge Street

2½-story frame structure - residential (R-.5) district.

Purpose: to change occupancy from one-family dwelling to group residence for six to eight children and two staff members.

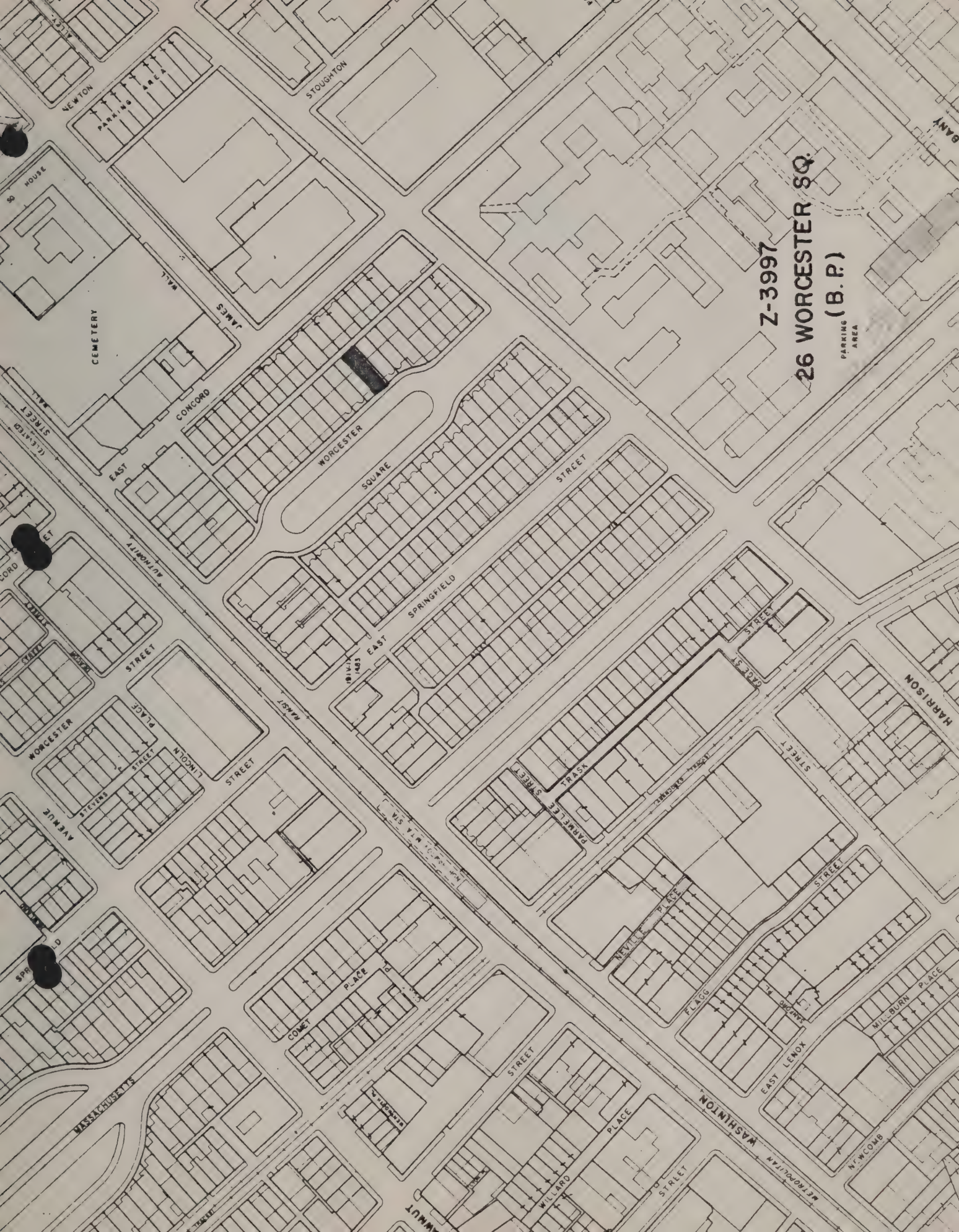
Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. A dormitory not accessory is conditional in an R-.5 district.		
Section 14-2. Lot area is insufficient.	14,000 sf	5,447 sf

Children will participate in Chapter 766 programs at various schools. Facility meets recently approved Authority criteria: licensed by State Office for Children under contract with Massachusetts Mental Health Center, continue to pay full taxes, not within 2,000 feet of nearest similar facility. The issue is controversial. One abutter indicates opposition; others are amenable. Recommend that Board of Appeal hold decision in abeyance until the Authority has negotiated a cooperation agreement with the appropriate State agencies in accordance with the Board vote of October 13, 1977.

VOTED: In reference to Petition No. Z-4014, brought by Rudy A. Fleischhacker, 15 Elko Street, Brighton, for a conditional use and a variance for a change of occupancy from one-family dwelling to group residence for six to eight children and two staff members in a residential (R-.5) district, the Boston Redevelopment Authority recommends that decision on the appeal be held in abeyance until appropriate State agencies have executed a cooperation agreement regarding group care facilities, their location, tax payments, and operation in accordance with the BRA Board vote of October 13, 1977.

Z-3997
26 WORCESTER SQ.
(B.P.)
PARKING



Board of Appeal Referrals 10/27/77

Hearing: 11/29/77

Petition No. Z-4000
City of Boston - Public Facilities
Department
E. Denis Walsh, developer
380 Dorchester Street, South Boston
at Rogers Street

3½-story masonry structure - apartment (H-1) and local business (L-1)
districts.

Purpose: to change occupancy from school to 32 apartments.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 14-2. Lot area insufficient.	36,000 sf	25,192 sf
Section 23-1. Off-street parking is insufficient.	29 spaces	0

The former John Andrew School is subject to vandalism and has become a public nuisance. Developer has met with community groups and indicated the units would be restricted to elderly occupancy. Site is proximate to Andrew Square. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-4000, brought by the City of Boston Public Facilities Department, 380 Dorchester Street, South Boston, for two variances for a change of occupancy from school to 32 apartments in apartment (H-1) and local business (L-1) districts, the Boston Redevelopment Authority recommends approval with the following provisos: that the 32 units be restricted to elderly occupancy; that adequate off-street parking be provided; that plans be submitted to the Authority for design review.



380 DORCHESTER ST.
(S.B.)

Z-4000

AVENUE

COLUMBIA

PATTERSON

COLONY STREET

JOHN BOYLE GRIFFIN SCHOOL

MTA STATION

DORCHESTER

CARPENTER STREET

MOHAWK STREET

ROBERT STREET

WENDELL ST

WARD ST

WENDELL PL

LITCHFIELD PL

MONICKS ST CHURCH

STREET

ANDREW SQUARE

STREET

DEKATER STREET

LEEDS STREET

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Board of Appeal Referrals 10/27/77

Hearing: 11/29/77

Petition No. Z-4001
C C & F Summer Street Trust
92-138 Summer Street, Boston
at Devonshire Street

33-story structure - general business (B-10) district.

Purpose: to erect a free-standing sign.

Violation:

Section 11-2. Free-standing sign not allowed in a B-10 district.

The sign, in the form of a steaming kettle, would advertise a street-level restaurant. Because of structural facade problems, the "kettle" must be attached to a pole close to but independent of the building. Proposal would have no adverse effect on this commercial area and complies with conditional use requirements. Recommend approval.

VOTED: In reference to Petition No. Z-4001, brought by C C & F Summer Street Trust, 92-138 Summer Street, Boston, for a conditional use to erect a free-standing sign in a general business (B-10) district, the Boston Redevelopment Authority recommends approval. Sign would have no adverse effect on this commercial area and complies with conditional use requirements.



Z-4001

92-138 SUMMER ST.
(B.P.)

As Amended

Board of Appeal Referrals 10/25/77

Hearing: 11/1/77

Petition No. Z-4005
Cerberb Grant
1360-1366 Blue Hill Avenue, Mattapan
at Babson Street

One-story masonry structure - local business (L-1) district.

Purpose: to change occupancy from laundromat, retail stores, offices, garage, and distribution of food products to laundromat, retail stores, offices, and repair shop garage including body work and spray painting.

Violations:

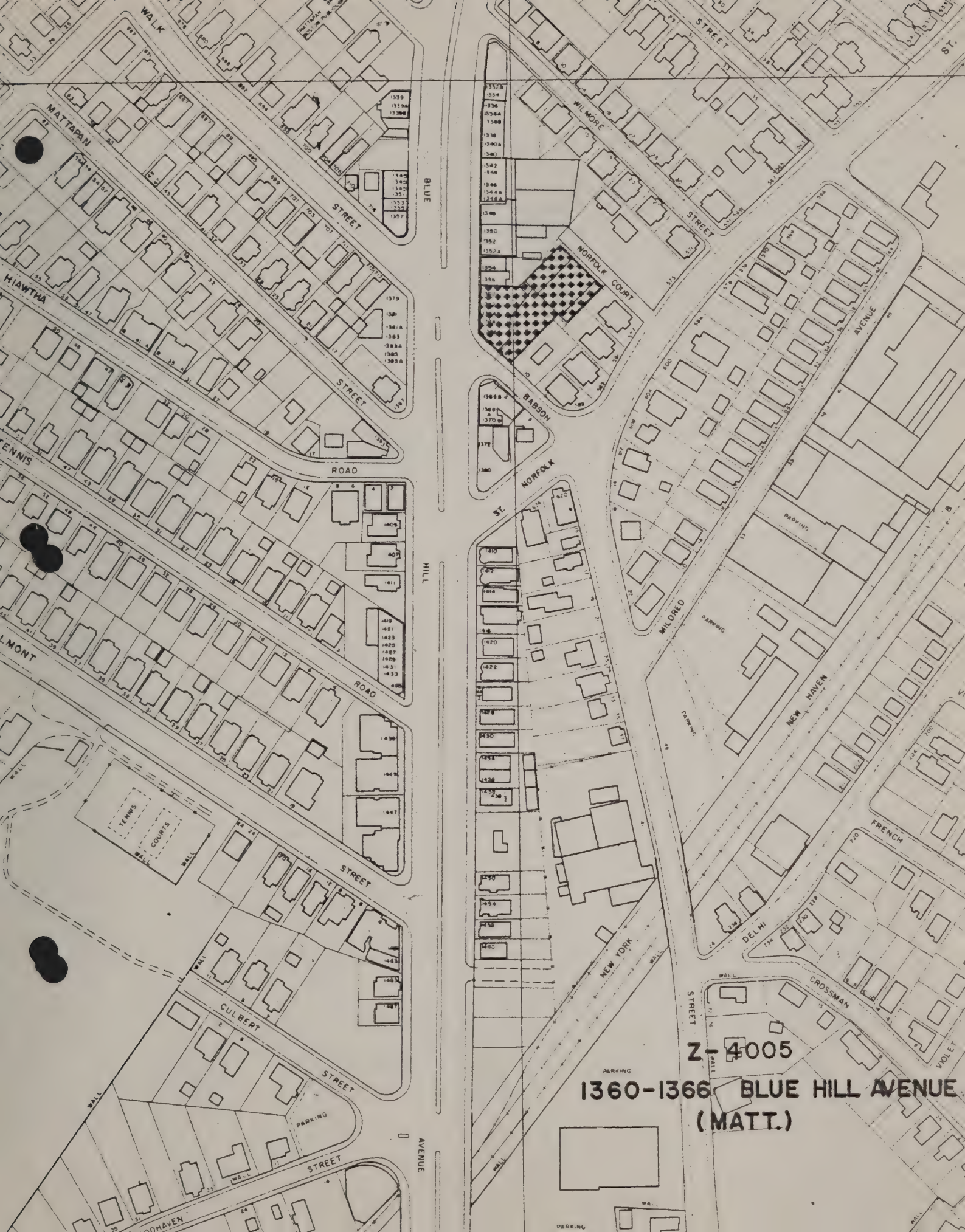
Section 8-7. A repair garage including body work and spray painting is conditional in an L-1 district.

Section 9-2. A change in a nonconforming use requires Board of Appeal approval.

Proposal would eliminate the food product distribution use, which is incompatible with existing uses. Spray booth would be constructed within the structure. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-4005, brought by Cerbert Grant, 1360-1366 Blue Hill Avenue, Mattapan, for a conditional use and a change in a nonconforming use for a change of occupancy from laundromat, retail stores, offices, garage, and distribution of food products to laundromat, retail stores, offices, and repair shop garage including body work and spray painting in a local business (L-1) district, the Boston Redevelopment Authority recommends approval with following provisos: that the repair shop be sufficiently sound-insulated to confine all noise and that all odors be effectively confined; that all work be performed within the structure; that vehicular storage and parking of employee and customer cars be within the structure; that the hours of operation be no earlier than 8 A.M. and no later than 6 P.M., Monday through Saturday.

VOTED: to table Petition No. Z-4005, and that the Boston Redevelopment Authority ask that the Board of Appeal take no action until such time as the Redevelopment Authority further corresponds with the Board of Appeal, and in the interim Mr. Wenniger will determine what the neighborhood feeling is and also contact the Little City Halls.



Z-4005

1360-1366 BLUE HILL AVENUE
(MATT.)



2-4014
15 ELKO ST.
(BRI)

Board of Appeal Referrals 10/27/77

Hearing: 11/1/77

Petition No. Z-4016
Morris Realty Trust
3446 Washington Street, Jamaica Plain
at Kenton Road

32,000 square feet of land - local business (L-.5) district.

Purpose: to erect gas service station.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. A gas service station is conditional in an L-.5 district.		
Section 18-1. Front yard is insufficient.	15 ft.	0

Site is inappropriate; facility would be located across the street from the recreation areas of the new Jamaica Plain High School now under construction. A similar facility abuts the site at Kenton Road. Proposal would intensify traffic and congestion on Washington Street, create vehicular and pedestrian hazards, and impair residential revitalization efforts. Overwhelming community opposition. Recommend denial.

VOTED: In reference to Petition No. Z-4016, brought by the Morris Realty Trust, 3446 Washington Street, Jamaica Plain, for a conditional use and a variance to erect a gas service station in a local business (L-.5) district, the Boston Redevelopment Authority recommends denial. Site is inappropriate; facility would be located across the street from the recreation areas of the new Jamaica Plain High School now under construction. A similar facility abuts the site at Kenton Road. Proposal would intensify traffic and congestion on Washington Street, create vehicular and pedestrian hazards, and impair residential revitalization efforts. Overwhelming community opposition.

3446 WASHINGTON ST.
(J.R)

Board of Appeal Referrals 10/27/77

Hearing: 11/1/77

Petition No. Z-4020
Petroleum Marketing Corporation
651 Gallivan Boulevard, Dorchester
at Marsh Street

One-story vacant structures - local business (L-.5) district.

Purpose: to combine lots; to erect self-service gas station.

Violations:

	<u>Required</u>	<u>Proposed</u>
Section 8-7. A self-service gas station is conditional in an L-.5 district.		
Section 18-1. Front yard is insufficient.	15 ft.	0
Section 20-7. Rear yard is insufficient.	15 ft.	0

Use would have a detrimental effect on the adjacent residential areas and aggravate existing acute traffic conditions. Cedar Grove Civic Association and neighborhood groups are opposed. Recommend denial.

VOTED: In reference to Petition No. Z-4020, brought by the Petroleum Marketing Corporation, 652 Gallivan Boulevard, Dorchester, for a conditional use and two variances to erect a self-service gas station in a local business (L-.5) district, the Boston Redevelopment Authority recommends denial. Use would have a detrimental effect on the adjacent residential areas and aggravate existing acute traffic conditions. Cedar Grove Civic Association and neighborhood groups are opposed.



Z-4020
651 GALLIVAN BLVD.
(DOR.)

